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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/736,272  
Filed: December 15, 2003  
Inventors:  
Ernest Patrick Hanavan III

Title: Server-Free Archival of  
Backup Data

§ Examiner: Unknown  
§ Group/Art Unit: 2186  
§ Atty. Dkt. No: 5760-16500  
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Robert C. Kowert

*Robert C. Kowert* *Apr 15, 2005*  
Signature Date

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant requests consideration of ☒ the references listed on the attached Form PTO-1449 and/or ☐ the additional information identified below in paragraph 3. A copy of the required references are listed on the Form PTO-1449 are enclosed.

This Information Disclosure Statement includes copies of the content of one or more Internet web pages. Applicant notes that it is generally more difficult to accurately establish the publication dates for web pages than for printed media such as books and journal articles. Even if a web page lists a date of publication, it is possible that a web page author may make changes to the web page and forget to correspondingly change the publication date. Thus, a web page may include content which was added after the indicated publication date.

1. This Information Disclosure Statement is submitted:
  - a. ☐ within 3 months of the filing date of a national application other than a continued prosecution application under § 1.53(d);  
☐ within 3 months of the date of entry of the national stage as set forth in § 1.491 in an International application;  
☒ before the mailing date of a first Office Action on the merits; or  
☐ before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
  - b. ☐ after the events of above paragraph 1a and prior to the mailing date of a final Office Action or Notice of Allowance, and thus: ☐ the certification of paragraph 2 below is provided, or ☐ a fee of \$180.00 is authorized below.
  - c. ☐ after the mailing date of a final Office Action or a Notice of Allowance and prior to payment of the issue fee, and thus: the certification of paragraph 2 below is provided and a fee of \$180.00 is enclosed below.
2. It is hereby certified:
  - ☐ that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or
  - ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in § 1.56 (c) more than three months prior to the filing of the Statement.
3. ☐ Consideration of the following additional information (including any co-pending or abandoned U.S. applications, prior uses and/or sales, etc.) is requested:
4. For each non-English language reference listed on the attached Form PTO-1449:
  - ☐ reference is made to an English language translation submitted herewith, and/or
  - ☐ reference is made to a foreign patent office search report (in the English language) submitted herewith, and/or
  - ☐ reference is made to an English language translation of a foreign patent office search report submitted herewith, and/or
  - ☐ reference is made to the concise explanation contained in the specification of the present application at page(s) \_\_\_\_\_, and/or
  - ☐ reference is made to the concise explanation set forth below:
5. ☐ Applicant also offers the following comments for the Examiner's consideration:
6. ☐ Also enclosed is a copy of a foreign search report citing these references.

7. ☐ The listed documents were brought to the attention of the Applicant(s) after payment of the issue fee in the captioned case. The documents were cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. Applicant(s) request this Information Disclosure Statement and attached Form PTO-1449 be placed in the file of the captioned application.
8. ☐ Applicant(s) requests that the Information Disclosure Statement and attached Form PTO-1449 and references, which are being filed before the grant of the patent and pursuant to 37 C.F.R. § 1.97(i), be placed in the file of the captioned application.

The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel PC, Deposit Account No. 50-1505/5760-16500/RCK.

Respectfully submitted,



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Reg. No. 39,255  
Attorney for Applicant(s)

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Date: April 15, 2005

**Form PTO-1449** (modified)List of Patents and Publications  
For Applicant's Information

Disclosure Statement

(Use several sheets if necessary)

ATTY. DOCKET NO: 5760-16500

SERIAL NO: 10/736,272

APPLICANT: Ernest Patrick Hanavan III

FILING DATE: December 15, 2003

GROUP: 2186

**U.S. PATENT DOCUMENTS**

EXAM. INITIALS	REF. DES	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE

**FOREIGN PATENT DOCUMENTS**

EXAM. INITIALS	REF. DES	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION. YES/NO

**OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)**

A1	John Merryman, "LAN-free backup vs. server-free backup in a SAN," SearchStorage.com, <a href="http://searchstorage.techtarget.com/tip/o,289483,sid5_gci809457,00html">http://searchstorage.techtarget.com/tip/o,289483,sid5_gci809457,00html</a> , March 11, 2002, (5 pages)
A2	"Enterprise Storage Report Technical Review," Enterprise Storage Group, Volume 4, 2000, (5 pages)
A3	Scott Bekker, "Tivolo Delivers SANergy," <a href="http://redmondmag.com/news/print.asp?EditorialsID=975">http://redmondmag.com/news/print.asp?EditorialsID=975</a> , April 5, 2000 (2 pages)
A4	"Galaxy™ Backup and Recovery," <a href="http://web.archive.org/web/20031119035828/http://www.commvault.com/products.asp?pid=1">http://web.archive.org/web/20031119035828/http://www.commvault.com/products.asp?pid=1</a> , November 19, 2003, (4 pages)
A5	"LAN/Server Free Backup Solutions," <a href="http://www.crossroads.com/Products/StorageProduction">www.crossroads.com/Products/StorageProduction</a> , 11/23/03, (2 pages)
A6	Kaczmarek et al., "Beyond Backup Toward Storage Management," IBM Systems and Journal, Vol. 42, Nov 2, 2003 (Pages 322-337)

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the patent owner.

**Form PTO-1449** (modified)  
 List of Patents and Publications  
 For Applicant's Information  
 Disclosure Statement  
 (Use several sheets if necessary)

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**OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)**

	A7	"IBM Almaden Research Center – Serverless Backup," <a href="http://almaden.ibm.com/projects/serverless_backup.shtml">http://almaden.ibm.com/projects/serverless_backup.shtml</a> , August 20, 2003, (2 Pages)
	A8	"Server-Free for Crossroads Storage Routers – Data Sheet," Crossroads Systems, Inc., 2002, (2 Pages)
	A9	Rick Cook, "Server-Free Backup is not a Pancea," SAN/NAS Technical Tips, <a href="http://search.storage.techtarget.com/tip/1,289483,sid_gci345387,00.html">http://search.storage.techtarget.com/tip/1,289483,sid_gci345387,00.html</a> , October 10, 2000
	A10	"IBM Tivoli Storage Manager: LAN/WAN Backup; ServerFree Backup; LANFree Backup; and Split-Mirror Backup – What Does it all Mean?" <a href="http://www.redbooks.ibm.com/abstracts/TIP0118.html">www.redbooks.ibm.com/abstracts/TIP0118.html</a> , December 27, 2002, (4 Pages)
	A11	Jurgen Heyer, "Secure Protection Against Data Loss," PC Professional, Nr. 10, September 2003, (5 Pages)
	A12	"Backup Software," PC PRO, October 2003, (Pages 175-186)
	A13	"Dynamic Tape Device Sharing with ARCserve 2000 in the Storage Area Network," Fujitsu Computers Siemens, May 31, 2001, (63 Pages)
	A14	Brooks et al., "Disaster Recovery Strategies with Tivoli Storage Management," Redbooks, <a href="http://www.ibm.com/redbooks">www.ibm.com/redbooks</a> , November 2002, (431 pages)

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